



MONTANA STATE PRISON POLICIES AND PROCEDURES

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Chapter 5: INMATE PROGRAMS	Page 1 of 4
Section 1: Work Programs	Revision Date:
Signature: /s/ Mike Mahoney	Effective Date: 06-10-02

I. POLICY:

MSP requires selected inmates to work without compensation under a Forced Labor Program.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

53-30-132, MCA. Offender Participation and Statutes in Prison Work Programs

53-1-203, MCA. Powers and Duties of Department of Corrections

DOC Policy 3.1.8, Use of Force and Restraints

DOC Policy 3.1.16, Contraband Control

DOC Policy 3.1.17, Offender Searches

DOC Policy 4.2.1, Offender Classification Procedures

DOC Policy 4.5.14, Health Assessment of Offenders

DOC Policy 5.1.4, Forced Labor

III. DEFINITIONS:

Constant Direct Supervision for the purpose of this policy means staff supervision of inmates that requires continuous visual contact in close proximity to the worker or work crew.

Forced Labor means a program under which inmates are required to perform manual labor tasks, under direct supervision, without compensation.

IV. PROCEDURES:

A. Screening and Identifying Inmates for Forced Labor

1. The target population for Forced Labor shall be inmates who have:
 - a) Been sent to MSP for a failure of a community based correctional program.

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- b) Received severe disciplinary infractions, and are sanctioned to Forced Labor as a result of being found guilty.
 - c) Escape or walkaway histories (these inmates must not be assigned to forced labor crews working outside of the double fenced perimeter).
 - d) Failed to comply with court ordered or recommended treatment programs.
2. Inmates must have a category 'A' medical clearance to be assigned or sanctioned to a forced labor crew.

B. Scheduling and Authorization

Forced Labor staff must contact the Shift Commander for authorization and appropriate security clearance specific to all proposed work areas. This authorization and security clearance must be in writing and must have the Shift Commanders signature.

C. Working Hours

1. Forced Labor staff and/or the Hearings Officer must document the number of hours that each inmate is assigned or sanctioned to a forced labor crew.
2. Forced labor crew inmates should be required to work minimum of 20 hours of work per week, but under no circumstance will a Forced Labor inmate be required to work more than 40 hours per week, or eight hours per 24-hour day.
3. The number of hours of forced labor an inmate is assigned to work must be based on institutional need and/or the nature of the offense that resulted in his return.
4. Disciplinary sanctions to forced labor must be based on the severity of the rule infraction and must not exceed 40 hours per violation.

D. Working Conditions

1. All work must be manual labor, with limited use of power equipment. All work assignments associated with the program, regardless of location (inside or outside of the secure perimeter), requires constant direct supervision of inmates by Forced Labor staff.

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2. Forced labor inmates may be restrained while working in accordance with MSP Policy 4.2.1 "Inmate Classification" and as outlined in DOC Policy 3.1.8 "Use of Force and Restraints".
3. No single forced labor crew may exceed 15 inmates, and there must be at least one Forced Labor supervisor for every five inmates.
4. All forced labor inmates must be pat searched and randomly strip-searched before leaving their assigned housing units. They must be strip-searched before being returned to their assigned housing units. These searches must be conducted in accordance with procedures outlined in MSP policies 3.1.17 "Area, Cell, and Inmate Searches" and 3.1.16 "Contraband Control".
5. Any inmate who refuses to work will be subject to disciplinary action.
6. Forced Labor staff must conduct all counts per MSP Policy 3.1.21 "Inmate Count and Supervision".
7. Forced Labor staff must be equipped with hand held radios and handcuffs while supervising forced labor inmates.

E. Removal From a Crew

An inmate may be removed from a forced labor crew for the following reasons:

1. He has been assigned to another job.
2. He has entered a court ordered or recommended treatment program and is in compliance with the program requirements.
3. He has been removed by medical staff for medical reasons.
4. He has successfully completed the number of hours he was given as a disciplinary sanction.
5. His classification precludes participation.

F. Work Locations

1. Forced Labor inmates must be classified to minimum custody prior to being utilized at a location outside the double fenced perimeter; otherwise they may only be utilized at locations inside the double fence perimeter.
2. General population Forced Labor inmates must only be utilized in the same compound in which they are housed, with the exception of minimum custody inmates as noted in F.1. above.

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G. Supervision Requirements

1. Forced Labor supervisors must utilize constant direct supervision for all forced labor crews.
2. Crews may consist of no more than five inmates per supervisor.
3. Under no circumstances shall locked housing unit inmates (Max, Ad. Seg, T/L, Det.) be used in the Forced Labor program.

V. **CLOSING:** Any questions concerning this policy should be addressed to the Shift Commander.